



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 8, 1994

Mr. Donald G. Davis
Assistant District Attorney
Dallas County
Frank Crowley Courts Bldg., LB 19
Dallas, Texas 75207-4399

OR94-722

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 26078.

The Dallas County District Attorney's Office received the following request for documents:

- (1) Records relating to closed investigations of Dallas County Commissioner John Price and/or Price's campaign or officeholder accounts during 1990, 1991, and 1992.
- (2) All correspondence regarding an investigation of Price and/or Price's campaign or officeholder accounts during years 1990, 1991, and 1992.
- (3) All documents, including but not limited to, campaign checkbook records and bank statements, records of deposits, and receipts for expenditures relating to John Vance's campaign and officeholder accounts from the time he was initially elected as Dallas County District Attorney.

You contend that item number (3), information relating to campaign and officeholder accounts, is not public information subject to the requirements of Chapter 552 of the Government Code.¹

Section 552.002 defines a "public record" as written, printed, typed, copied or developed material that contains public information. Section 552.021(a) provides that information is public if it is collected, assembled, or maintained under a law, ordinance or in connection with the transaction of official business either (1) by a governmental body; or (2) for a governmental body if the governmental body owns the information or has a right of access to it. Information that is public must be disclosed unless specifically excepted from disclosure under the provisions of Chapter 552. Open Records Decision No. 470 (1987) at 2.

Candidates and officeholders must file periodic reports of political contributions and expenditures with a filing authority. *See* Election Code § 254.031. These periodic reports are public information. *See id.* § 1.012; Gov't Code § 552.021; Letter Opinion No. 90-2 (1990); Open Records Decision No. 146 (1976). You indicate that the Dallas County Elections Department maintains the periodic reports that Mr. Vance is required to file under the Election Code. You do not contend that these filed reports are closed to public inspection. However, you understand the requestor to be seeking Mr. Vance's supporting documentation and records relating to political contributions and expenditures, rather than the periodic reports.

The Election Code requires each candidate, officeholder and campaign treasurer of a political committee to maintain records of reportable activity for at least two years. Election Code § 254.001. A rule promulgated by the Ethics Commission explains the types of records this requirement includes:

(a) Each candidate, officeholder, or campaign treasurer of a political committee shall maintain a copy of each report filed and the records supporting that report for a period of two years from the date of the filing deadline for the report.

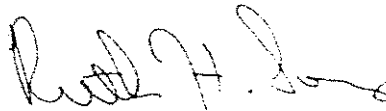
(b) The records required by subsection (a) of this section shall contain all information used to prepare all required reports, including, for example, bank statements, check logs, receipts, and ledgers of contributions and expenditures.

1 T.A.C. § 20.17.

¹Since you did not assert an exception from disclosure for the other information requested, we assume that this information has been disclosed to the requestor. *See* Gov't Code § 552.302 (information is presumed to be public if governmental body does not timely request a decision from the attorney general).

Your letter states that no Dallas County governmental office maintains or stores documents that support Mr. Vance's filed reports. Governmental entities are not required to maintain or store such documents. *See* Open Records Decision No. 561 (1990) at 9 (a governmental body is not required to obtain information to comply with an open records request). Because Dallas County does not maintain and is not required to maintain the requested records, the requested records are not public records subject to the Open Records Act. We are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/MAR/rho

Ref.: ID# 26078

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